

**REMARKS**

Claims 1 and 3-9 are all the claims pending in the application. For the record, claim 2 was canceled in the Amendment filed January 9, 2006.

**I. Response to Claim Rejections under 35 U.S.C. § 103**

**A. Sato (US '956)**

Claims 1-7 are rejected under 35 U.S.C. § 103 over Sato '956.

**B. Takeda et al (US '056) or Takemura et al (US '785) in view of Sato**

Claims 8 and 9 are rejected under 35 U.S.C. § 103 over Takeda et al or Takemura et al in view of Sato.

Applicants respectfully traverse the rejections and point out that a statement of common ownership with respect to Sato '956 has previously been made on the record in the Response under 37 C.F.R. § 1.116 on July 5, 2006. That is, the invention of Sato et al and the claimed invention were, at the time the invention of the instant application was made, owned or subject to an obligation of assignment to Fuji Photo Film Co., Ltd. (now Fuji Film Corporation). Therefore, Sato '956 cannot be applied as § 102(e) prior art in an obviousness rejection in accordance with the provisions of 35 U.S.C. § 103(c).

Additionally, Applicants claim priority to JP 2003-095804 filed in Japan on March 31, 2003, prior to the publication date of Sato '956 on October 16, 2003. To remove Sato '956 as prior art under §102(a), Applicants submit herewith a sworn English translation of their priority document, JP '804. Support for the present claims is found in the priority document as follows:

<b>Present Claims</b>	<b>Support found in JP '804</b>
<b>Claim 1</b>	Claim 2
<b>Claim 3</b>	Paragraph [0012]
<b>Claim 4</b>	Paragraph [0013]
<b>Claim 5</b>	Paragraph [0014]
<b>Claim 6</b>	Paragraph [0015]
<b>Claim 7</b>	Paragraph [0016]
<b>Claim 8</b>	Paragraph [0019]
<b>Claim 9</b>	Paragraph [0019]

In view of the above, Sato '956 can not be considered as prior art with respect to the present invention.

Further, neither of Takeda et al or Takemura et al discloses, teaches or suggests a positive resist composition of the present invention ( i.e., comprising at least two resins, a first and a second resin, in which each of the first and second resins comprises at least one repeating unit selected from the group consisting of repeating units represented by formula (A1) and (A2), and the difference in glass transition temperatures between the first and second resins is at least 5°C).

Therefore, the present invention is patentable over the cited references.

Accordingly, Applicants respectfully request withdrawal of the §103 rejections.

## II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

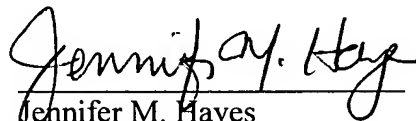
Respectfully submitted,

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